IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2138 of 2006
Date of decision 17.4.2007.

Gulzar Singh

..... petitioner.

versus

State of Punjab & others

..... respondents.

CORAM :- HON'BLE MR.JUSTICE J.S.KHEHAR.
HON'BLE MR.JUSTICE L.N.MITTAL.

Present : Mr. Amar Vivek, Advocate for the petitioner.
Mr. B.S.Chahal, Assistant Advocate General, Punjab.

J.S.KHEHAR. J. (Oral)

The petitioner was inducted into the service of the respondents as a Class IV employee on 26.7.1966. Thereafter by an order dated

29.10.1999 (Annexure P-2), the petitioner was promoted in the Grade of Medical Laboratory Technician (Grade II Medical Cadre) in the pay scale of Rs.3330-6200 w.e.f. 27.9.1999.

While the petitioner was a Class IV employee, he was entitled to continue in the service upto the age of 60 years. However, it is not a matter of dispute that Class III Grade C employees retire on attaining the age of 58 years. It is, therefore, that the petitioner was issued a communication dated 9.1.2006 (Annexure P-4) informing him of his retirement from service w.e.f. 28.2.2006 i.e. on his having attained the age of 58 years.

In order to substantiate his contention that the petitioner ought to have been allowed to continue upto the age of 60 years, learned counsel for the petitioner has placed an emphatic reliance on the policy instructions issued by the State Government dated 26.11.2002 (Annexure P-3). The relevant part of the aforesaid policy instructions is being extracted hereunder :-

> "This matter had been under consideration of Government. After careful consideration it has been decided that all

those categories of employees who were in Class-IV earlier but after the re-classification on the basis of advice of the 4th Punjab Pay Commission, now fall in Group `C' by virtue of higher pay scales, may be allowed to retire at the age of 60 years. This relaxation in the retirement age would be available to only those Class-IV employees who now fall in Group `C' and who were recruited in Class-IV prior to the date on which the recommendations of the 4th Punjab Pay Commission were implemented i.e. on 8.9.2000."

It is not possible for us to accept the claim of the petitioner on the basis of the policy instructions relied upon by him on account of the fact that the aforesaid policy instructions relate to such Class IV employees who as a consequence of the implementation of the 4th Punjab Pay commission are allowed a pay scale which makes them fall in group C service. This is not the situation with the petitioner. The petitioner came to be promoted to Grade C service by an order dated 29.10.1999 and not on the recommendation of the 4th Punjab Pay Commission. We, are therefore,

satisfied that the policy instructions dated 26.11.2002 are inapplicable to the claim of the petitioner.

Dismissed.

(J.S.KHEHAR)
JUDGE

(L.N.MITTAL)
JUDGE

April 17, 2007
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